IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO. 185 OF 2005

IN

SECOND APPEAL NO. 903 OF 2003

Gram Panchayat Nagothane ..Petitioner

versus

Mariya S. Potiya ..Respondent

Mr. C. G. Gavnekar with Ms. Deepa Sawant for the Petitioner.

Mr. V. G. Kerkar for the Respondent .

CORAM : D. G. DESHPANDE,J.

DATE : 24TH MARCH, 2005

P.C. :

1. Heard learned counsel for the parties.

2. This application has been filed by the petitioner - Gram Panchayat Nagothane. Ad interim stay was granted to the execution. It is now contended by the counsel for the respondent that there are Execution Application Nos. 15 of 2004 to 50 of 2004. Though this Appeal is against a common judgment, this appeal is filed by only one person and therefore ad interim order of stay of execution

in all the 35 matters was not proper.

3. What is contended by the respondent is proper and justified. So far as this judgment and decree against the present respondent is concerned, his Advocate has made statement and he reaffirms that till the Second Appeal is disposed of no execution proceedings will be started or initiated against the petitioner. In view of this statement, this application is disposed of. Stay granted by me earlier is vacated.

4. After this order was passed, counsel for the petitioner contended that they are going to file appeals in other matters also and the ad interim order should be continued for four weeks. However, in the circumstances, ad interim to continue for two weeks from today.

24.03.2005 (D.G. DESHPANDE, J.)